

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William Moss	Team: Squad #13	CCRB Case #: 202003873	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 9:20 PM	Location of Incident: East side of Cadman Plaza West, near Montague Street	Precinct: 84	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 06/03/2020 9:46 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 06/03/2020 9:46 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Rekash Ramlogan	25051	955361	TB ATU
2. Officers			
3. An officer			
4. POM Melvin Welch	02051	949793	083 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. CPT Tarik Sheppard	00000	945351	C A B
2. CCA Jeffrey Maddrey	00000	899501	C A B

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against individuals.	
B. An officer	Force: An officer struck § 87(2)(b) with a baton.	
C. An officer	Discourtesy: An officer acted discourteously toward § 87(2)(b)	
D. An officer	Force: An officer used physical force against § 87(2)(b)	
E. POM Melvin Welch	Untruthful Stmt.: Police Officer Melvin Welch provided a misleading official statement to the CCRB.	
§ 87(2)(g), § 87(4-b)		

Case Summary

On June 3, 2020, § 87(2)(b) filed this complaint via the CCRB's website on behalf of himself and multiple unidentified individuals.

On June 3, 2020, at approximately 9:20 p.m., § 87(2)(b) attended a Black Lives Matter protest at Cadman Plaza in Brooklyn. As it started raining heavily, a large number of protesters began quickly walking south down Cadman Plaza West. Officers walked in the same direction as the crowd and pushed unidentified protesters forward from behind (**Allegation A: Force**, § 87(2)(g)). § 87(2)(b) turned around and began walking backwards in front of his bicycle as to avoid blocking the protesters' paths because it was a dense crowd moving quickly. At the east side of the intersection of Cadman Plaza West and Montague Street, an unidentified officer, PO1, allegedly "poked" § 87(2)(b) with a baton twice in the shoulder forcefully while ordering him to move (**Allegation B: Force**, § 87(2)(g)). An officer, possibly PO1, also allegedly hit § 87(2)(b)'s bicycle, which was not damaged, once with his baton (**Allegation C: Discourtesy**, § 87(2)(g)). PO1 allegedly placed one hand on § 87(2)(b)'s shoulder and shoved him in the direction he was walking (**Allegation D: Force**, § 87(2)(g)). Additional unidentified officers allegedly pushed several unidentified protesters (within **Allegation A**). § 87(2)(b) was not summonsed or arrested.

The investigation determined that Police Officer Melvin Welch of the 83rd Precinct made a misleading official statement to the CCRB (**Allegation E: Untruthful Statement**, § 87(2)(g)).
§ 87(4-b), § 87(2)(g)

There is no video evidence of this incident. The only body-worn camera footage ("BWC") obtained from the NYPD was determined to be unrelated to this incident. A request for TARU footage was returned negative (**Board Review 15**). Surveillance footage obtained from a nearby building did not capture the incident (**Board Review 37-42**). Cell phone footage recorded by § 87(2)(b) did not capture the incident (**Board Review 03**).

Allegation (A) Force: Officers used physical force against individuals.

Allegation (B) Force: An officer struck § 87(2)(b) with a baton.

Allegation (C) Discourtesy: An officer acted discourteously towards § 87(2)(b)

Allegation (D) Force: An officer used physical force against § 87(2)(b)

Known facts and general descriptions:

§ 87(2)(b) asked PO1 for his shield number and PO1 replied, "25051" (**Board Review 01**). § 87(2)(b) recalled the number by repeating it to himself (**Board Review 02**). § 87(2)(b) described PO1 as a white man younger than 35 years old who was 5'8" to 5'10" tall, heavyset, clean shaven, holding a baton, and wearing a blue uniform and helmet. § 87(2)(b) did not see any numbers on PO1's helmet. § 87(2)(b) broadly alleged that other officers in the crowd used force against other protesters, but he did not describe these officers or protesters during his CCRB statement and was uncooperative with subsequent contact attempts for this information (see IAs for contact attempts).

§ 87(2)(b) took a six-second cell phone video that captures a line of officers at the intersection of Cadman Plaza West where Clinton Street and Tillary Street meet, but it was taken prior to § 87(2)(b)'s interactions with officers, at a different location within the protest, and it does not capture any of the interactions involved in this complaint (**Board Review 03**).

BWC:

Five separate BWC footage requests were generated for this case and yielded six video files (**Board Review 04-09**). The first request was for the incident date that § 87(2)(b) initially reported, which was ultimately deemed to be incorrect. That request was returned negative.

The second and third requests were for all BWC footage from PO Ramlogan (the only NYPD officer with the reported shield number at the time of this incident) and all other officers stemming from this protest at the time of this incident. NYPD Legal's search parameters included PO Ramlogan and the following commands: the 84th Precinct, all Strategic Response Group commands, Counterterrorism Bureau, Counterterrorism Task Force, Emergency Services Unit, Narcotics Bureau, Transit Bureau Anti-Terrorism Unit, and Critical Response Command. The requests yielded a total of five BWC videos. Four of the videos captured a completely different protest in another borough and the fifth captured a different geographical area of Cadman Plaza and interactions unrelated to § 87(2)(b)'s complaint.

The fourth request, for all BWC footage from Police Officer David Ramirez of the 48th Precinct (see "Officers Interviewed" below for further information regarding this officer), yielded negative results.

The fifth request was for footage from Police Officer Melvin Welch of the 83th Precinct (see "Officers Interviewed" below for further information regarding this officer). The request yielded an approximately three-hour video that was recorded after this incident occurred. Throughout the entire video, the screen is black. The video's audio does not capture PO Welch or other officers interacting with protesters.

NYPD Documents Reviewed:

NYPD document requests for a TRI Report prepared for § 87(2)(b) yielded negative results (**Board Review 10-13**).

The Detail Roster for the Cadman Plaza protest was obtained from IAB (**Board Review 14**). Though the Roster contains officers' surnames, only some of their shield or tax registry numbers were recorded, which significantly increased the pool of potential subject officers.

Two requests for TARU footage for this protest were requested under CCRB case # 202004003. Though the requests were both generated and sent to the IAB-CCRB Liaison's Unit for processing within the 30-day retention period and follow-up attempts were made, negative results for both requests were received on August 19, 2020, and the receipts revealed that TARU received the requests after the retention period had passed (**Board Review 15**).

Concurrent Investigations:

No concurrent investigations were pursued related to this complaint.

Ranking Officers:

Chief Jeffrey Maddrey of Patrol Borough Brooklyn North was identified as the highest-ranking officer at this protest. Chief Maddrey denied any involvement in the interactions related to this complaint and he did not recall observing them (**Board Review 16**). The only officer § 87(2)(b) described was a white man wearing a blue uniform, and Chief Maddrey is a Black man who would have been wearing a white shirt. Chief Maddrey did not unholster his asp or swing it at anyone. He denied providing instructions to other officers or supervisors about the use of physical force against protesters. He believed the NYPD's normal use-of-force guidelines were in place during the protest.

Another high-ranking officer, Captain Tarik Sheppard of Patrol Borough Brooklyn North, was also at this protest and interviewed for CCRB case #202004772 (another complaint stemming from this protest). Captain Sheppard revealed that Cadman Plaza was the location of several police brutality protests, that he was detailed to numerous protests there, and that he could not distinguish one from the other. He could not recall any specific interactions that he may have witnessed at this protest or any specific orders he may have issued. Cpt. Sheppard did not match the description of the subject officer, as he is a Black man and would have been wearing a white shirt. Given Captain Sheppard's lack of recollection during his interview for another case stemming from this protest, he was not interviewed a second time for this complaint.

Officers Interviewed:

PO Rekash Ramlogan, shield number 25051, of the Transit Anti-Terrorism Unit was interviewed regarding this incident because he is the only current member of service with shield number "25051" (**Board Review 17**). PO Ramlogan denied involvement in this incident and said he was working with other officers in Manhattan at the time of this protest. PO Ramlogan had no Memo Book entries for the incident date other than those listing the beginning and end of his tour (see Allegation F). PO Ramlogan said he was working as part of a van convoy that made two arrests that night, but that he was not the arresting officer for either one. A search of the Booking and Arraignment Disposition System did not reveal any arrests made by the TBATU in Manhattan on the night of this incident (**Board Review 18**). However, PO Ramlogan is a 34-year-old brown-skinned Asian man who is 5'10" tall, weighs 205 pounds, and has black hair and brown eyes. His physical appearance significantly differs from § 87(2)(b)'s description of PO1, and PO Ramlogan has therefore been deemed to have been uninvolved in this incident.

The Detail Roster for Cadman Plaza on June 3, 2020 identified the surnames of officers detailed to cover this protest, but only some of those officers' tax registry or shield numbers were included. Multiple officers listed on the Detail Roster had common surnames, which prevented the investigation from identifying which officer with that surname was detailed. For each common surname listed, a CTS+ search was conducted for all officers with that surname and their shield numbers were reviewed. The only officer with a shield number similar to "25051" was PO David Ramirez of the 48th Precinct (shield #25053). PO Ramirez denied any involvement in this incident and said he was working a sector post within the confines of the 48th Precinct at the time (**Board Review 19**), which his Memo Book entries corroborate (**Board Review 20**). The investigation accordingly determined that the "PO Ramirez" listed on the Detail Roster was a different officer.

Of the officers with a tax registry or shield number listed on the Detail Roster, only one had a shield number resembling "25051": PO Melvin Welch of the 83rd Precinct (shield #02051). PO Welch acknowledged being assigned to a detail at Cadman Plaza, but he denied any involvement in this incident (**Board Review 21**). He did not recall where he was stationed at Cadman Plaza, but he believed he remained in his van for the entirety of his tour and that there were no protesters in the area. He denied interacting with any protesters on this date. PO Welch's BWC footage did not capture any interactions with protesters and depicted a timeframe after this incident (**Board Review 09**). PO Welch's appearance differs in key respects from the subject officer's, as PO Welch is a 41-year-old Hispanic man who is 5'6" tall and weighs 135 pounds. The investigation was accordingly unable to determine whether he was involved in the interactions involved in this complaint.

Allegation Recitation and Disposition:

For the reasons outlined above, the investigation was unable to determine which officers may have used physical force against individuals, struck § 87(2)(b) with a baton, acted discourteously towards him, and used physical force against him. § 87(2)(b), § 87(2)(g)

Allegation (E) Untruthful Statement: Police Officer Melvin Welch provided a misleading statement to the CCRB.

PO Welch testified that he was assigned to a detail at Cadman Plaza on June 3, 2020. His Memo Book and the Detail Roster confirm that assignment (**Board Reviews 14 and 22**). PO Welch reported to Cadman Plaza because it was a “muster point” or “hub” for officers rather than because there was a protest there. He waited in his van for the entirety of his tour to receive instructions from a supervisor, but he never did. He did not recall where his van was parked in the Plaza. There were no protesters in the vicinity of the Plaza. PO Welch was assigned to other details at Cadman Plaza during the summer of 2020, but during none of those details were protesters ever in the Plaza.

During his CCRB interview, PO Welch was shown the civilian cell phone footage of this protest, which depicts large groups of protesters and officers at Cadman Plaza on the night of June 3, 2020 (**Board Review 03**). The footage did not refresh PO Welch’s recollection as to whether there were protesters at the Plaza on the night of the incident.

PO Welch’s BWC footage has a black screen throughout, and the audio does not depict any interactions with protesters (**Board Review 09**). At the 23:15 mark of the footage, an unidentified officer tells a motorist that he cannot let her through because there are “a million people over there” and he is “trying to prevent them from breaking [her] windows.” This suggests that though PO Welch may not have been interacting with protesters, he was in the vicinity and prevented people from approaching the Plaza because of the presence of protesters there.

An AVL search confirmed that between 8:50 p.m. and 9:50 p.m. on June 3, 2020, PO Welch’s van was at the corner of Jay Street and Tillary Street in Brooklyn, approximately two blocks east of the Plaza (**Board Review 23**).

The protest at Cadman Plaza on June 3, 2020 included several hundred protesters and officers. It was extensively covered in local and national media ranging from the Gothamist and NY1 to the New York Times, ABC, and CNN (**Board Reviews 24-28**). The CCRB alone received 21 complaints for incidents stemming from the protest at Cadman Plaza on June 3, 2020.

NYPD Patrol Guide, Procedure 203-08 prohibits officers from making misleading statements during CCRB interviews (**Board Review 29**). The Patrol Guide defines a misleading statement as one that “is intended to misdirect the fact finder and materially alter the narrative.” An officer may make such a statement by “intentionally omitting material fact or facts[,] ... making repeated claims of ‘I do not remember’ or ‘I do not know’ when a reasonable person under similar circumstances would recall, or have been aware of, such material facts, or ... altering and/or changing a member’s prior statement or account when a member is confronted with independent evidence indicating that an event did not occur as initially described.”

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) is a party (**Board Review 32**).
- PO Ramlogan has been a member of service for seven years, and this is the first CCRB complaint to which he has been a party (**Board Review 33**).
- PO Welch has been a member of service for 10 years and has been a subject in two other complaints and five allegations, of which four were substantiated (**Board Review 34**):
 - Case #201907543 involved substantiated allegations of two questions and two discourteous actions. The Board recommended Command Discipline B and the NYPD imposed no penalty.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of August 27, 2020, the New York City Office of the Comptroller had no record of a Notice of Claim being filed by § 87(2)(b) regarding this incident (**Board Review 35**).
- According to the Office of Court Administration, as of August 28, 2020, § 87(2)(b) has no history of criminal convictions in New York City (**Board Review 36**).

Squad No.: 13

Investigator: William L. Moss
Signature

Inv. William Moss
Print Title & Name

03/17/2021
Date

Squad Leader: Laura Kastner
Signature

IM Laura Kastner
Print Title & Name

03/17/2021
Date